

**REMARKS**

Claims 1-23 stand rejected under 35 USC 102(e) or 103(a) as being anticipated or obvious over Zigmond alone or in combination with Swix, Shoff, and/or Cunningham. These rejections are respectfully traversed.

All of the pending claims are directed to methods of displaying advertising in conjunction with a streaming video program. In addition, all of the independent claims have been amended to specify that the window in which the advertisement is shown has at least one control function disabled and the size of the window is adjusted to a predetermined size. As described in the specification, the claimed methods of displaying advertising along with a streaming video program allows advertisers to be certain that their advertisement will be displayed at a predetermined size and will not be, for example, closed or reduced in size during playback.

The Examiner admits that Zigmond fails to disclose that the window is adjusted to a predetermined size. Accordingly, the Examiner relies upon Shoff as disclosing this feature. Specifically, the Examiner states that paragraphs 69, 70 and 71 disclose adjusting the window to a predetermined size. The cited portions of Shoff describe scaling information to fit within a program boundary, the size of which can change. For example, in Shoff a user may still be free to choose the size of the window, the program boundaries and the content within these boundaries are then simply scaled to fit whatever size window is selected. Accordingly, there is no predetermined size for the window as claimed.

Further, by specifying that at least one control function of the display window is disabled, the claimed methods may limit the ability of the user to readjust the size of the display window during playback.

Since the cited reference fail to disclose the claimed methods including both a window adjusted to a predetermined size and disabling at least one control function of the window as claimed. The rejections of claims 1, 4-7, 9-14, 16, 17, 19, 22 and 23, should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **577172003700**.

Dated: June 6, 2006

Respectfully submitted,

By 

Jonathan Bockman

Registration No.: 45,640  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7769